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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,416	03/30/2001	Andrew Rodney Ferlitsch	SLA1018	3233

27518 7590 08/11/2005

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EXAMINER

EBRAHIMI DEHKORDY, SAEID

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,416

Applicant(s)

FERLITSCH ET AL.

Examiner

Saeid Ebrahimi-dehKordy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 2/22/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments with respect to claim 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snipp (U.S. Patent 5,699,495) in view of Yacoub (U.S. Patent 6,552,813).

Regarding claim 1 Snipp discloses: A method of printing from a computing device (note Fig.2 items 12 the workstation and item 16 and 14 the print server and printer) said method comprising: selecting a preferred printing device to print a print task (note Fig.5A column 5 lines 14-17) sending said print task to a print processor (note Fig.2 item 34 the print processor, column 4 lines 22-28 where the print processor is receiving data from the spooler 40) checking the status of printing devices in communication with said computing device (note Fig.1, column 3 lines 10-18 where the printer resources 18 is capable of determining the status of the printer(s) 14) sending said print task from said print processor to said preferred printing device if it is available (note Fig.2, column 4 lines 17-36) However Snipp does not disclose: sending said print task from said print processor to another available printing device if the preferred printing device is not available; sending said print task from said print processor to a busy printing device if

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said preferred printing device and other printing devices are unavailable. On the other hand Yacoub discloses: sending said print task from said print processor to another available printing device if the preferred printing device is not available (please note column 4 lines 58-63) sending said print task from said print processor to a busy printing device if said preferred printing device and other printing devices are unavailable (please note column 6 lines 16-42). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Snipp's invention according to the teaching of Yacoub, where Yacoub teaches the way that the other printer would be used if the first printer is unavailable for the purpose of having the flow of the print job be continues.

Regarding claim 2 Snipp discloses: The method of claim 1 wherein said sending comprises transmitting spool data and EMF data to a device driver which converts said spool data and said EMF data to printer ready data which is sent via a spooler to a printing device (note column 3 lines 64-67 and column 4 lines 1-16).

Regarding claim 3 Snipp discloses: The method of claim 1 wherein said sending comprises transmitting printer ready data from said print processor through a printing device port to a printing device (note column 4 lines 17-36).

Regarding claim 4 Yacoub discloses: The method of claim 1 further comprising; rechecking the status of said printing devices in communication with said computing device after said print task has been sent to at least one of said preferred printing device said available printing device and said busy printing device (please note column 8 lines 53-59).

Regarding claim 5 Yacoub discloses: The method of claim 4 further comprising resending said print task to another available printing device when said printing device to which said print task has been sent fails (please note column 4 lines 60-63).

Regarding claim 6 Yacoub discloses: The method of claim 4 further comprising resending said print task to another busy printing device when said printing device to which said print task has been sent fails (please note column 4 lines 59-65).

Regarding claim 7 Snipp discloses: A method of printing error recovery, said method comprising: sending a print task to a print processor (note column 4 lines 17-28 where the print document is send from the spooler 36 to the print processor 34) sending said print task from said print processor to a first printing device (note column 4 lines 22-36) checking the status of said printing device after said print task has been sent to said first printing device (note column 7 lines 7-8) However Snipp does not quite teach: aborting said sending said print task to a first printing device and sending said print task from said print processor to a second printing device if said first printing device fails to print said print task. On the other hand Yacoub discloses: aborting said sending said print task to a first printing device and sending said print task from said print processor to a second printing device if said first printing device fails to print said print task (please note column 4 lines 58-63 where the print job is send to the different printer if the first printer is not available). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Snipp's invention according to the teaching of Yacoub, where Yacoub teaches the way that the other printer would be used if the first printer is unavailable for the purpose of having the flow of the print job

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be continues.

Regarding claim 8 Yacoub discloses: The method of claim 7 wherein said second printing device is an available device (please note column 4 lines 60-65).

Regarding claim 9 Yacoub discloses: The method of claim 7 wherein said second printing device is a busy device (please note column 4 lines 53-58).

Regarding claim 10 Snipp disclose: A method for increasing the reliability of a printing system, said method comprising: sending a print task to a print processor (note column 4 lines 17-28 where the print spool 36 send the print document to the spooler 40 and thereon to the print processor 34) checking the status of printing devices in said system from said print processor (note column 5 lines 25-51) sending said print task from said print processor to a first printing device (note column 4 lines 17-36) rechecking the status of said first printing device during printing of said print task (note column 7 lines 7-8) However Snipp does not disclose: resending said print task to a second printing device when said first printing device fails to print said print task. On the other hand Yacoub discloses: resending said print task to a second printing device when said first printing device fails to print said print task (please note column 4 lines 58-63 where the print job is send to the different printer if the first printer is not available). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Snipp's invention according to the teaching of Yacoub, where Yacoub teaches the way that the other printer would be used if the first printer is unavailable for the purpose of having the flow of the print job be continuous.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snipp (U.S. patent 5,699,495) in view of Mima et al (Pub. No.: US 20020101604)

Regarding claim 11 Snipp discloses: A method for increasing the reliability of a cluster printing system, said method comprising: sending a print task to a print processor (note column 4 lines 17-28 where the print spool 36 send the print document to the spooler 40 and thereon to the print processor 34) checking the status of printing devices in said system from said print processor (note column 5 lines 25-51) However Snipp does not quite disclose: splitting said print task into a plurality of modified print tasks; sending said modified print tasks from said print processor to a first group of printing devices; rechecking the status of printing devices within said first group of printing devices after said modified print tasks have been sent to said first group of printing devices; resending any of said modified print tasks to a printing device other than the printing device to which it was previously sent when said any of said modified print tasks fails to print. On the other hand Mima et al disclose: splitting said print task into a plurality of modified print tasks (note Fig.2 item 15a the document monitor which acts as a print processor divides the print job to split print jobs, page 2 paragraph 0018 and 0019) sending said modified print tasks from said print processor to a first group of printing

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devices (note Fig.2 items 25a,b and c the split print job including the print agents for each sent to the different printers, page 3 and 4 paragraphs 0042) rechecking the status of printing devices within said first group of printing devices after said modified print tasks have been sent to said first group of printing devices (note page 3 paragraph 0041 and 0042) resending any of said modified print tasks to a printing device other than the printing device to which it was previously sent when said any of said modified print tasks fails to print (note page 6 paragraph 0064 and specifically lines 6-12 where the failed job by the printer is sent to the other available printing devices). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Snipp's invention according to the teaching of Mima et al, where Mima et al teaches the way the print task is being split to be sent to a group of printers for the purpose of providing the out data faster.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Yacoub (U.S. Patent 6,552,813)

Regarding claim 14 Yacoub discloses: A print processor comprising: instructions for determining the status of a printing device prior to sending a print task to said printing device (please note column 11 lines 39-42 where the print processor or in this case server checks the status of the printers 660 and 670) and instructions for determining whether said printing device has successfully printed said print task (please note

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column 11 lines 52-58 where the virtual printer send user and message as whether the print job is printed or not).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 12 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Mima et al (Pub. No.: US 20020101604)

Regarding claim 12 Mima et al disclose: A computer readable medium comprising:

instruction for performing functions within a print processor (note page 4 paragraph 0043 where the print monitor is acting as print processor an instruction therein) said instructions comprising the acts of: detecting the status of a first printing device prior to sending a print task to said first printing device (note page 4 paragraph 0048) rechecking the status of said first printing device after sending a print task to said printing device (note page 3 paragraph 0041 and 0042) and sending said print task to a second printing device when said first printing device fails to print said print task (note page 6 paragraph 0064 and specifically lines 6-12 where the filed job by the printer is sent to the other available printing devices).

Regarding claim 15 Mima et al disclose: A method for cluster printing, said method comprising: sending a print task to a print processor (note Fig.2 item 15a which acts as

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a print processor and wherein the print job is sent from the application 21 to the device driver and then on to the document monitor which sends the split print job to the group of printers, page 3 paragraph 0042) checking the status of printing devices in said system from said print processor (note page 6 paragraph 0062 where the status of the printers were checked) splitting said print task into a first quantity of modified print tasks with said print processor (note Fig.2 item 15a the document monitor which acts as a print processor divides the print job to split print jobs, page 2 paragraph 0018 and 0019) sending said modified print tasks from said print processor to a first group of printing devices (note Fig.2 items 25a,b and c the split print job including the print agents for each sent to the different printers, page 3 and 4 paragraphs 0042) rechecking the status of printing devices within said first group of printing devices after said modified print tasks have been sent to said first group of printing devices (note page 3 paragraph 0041 and 0042) reconfiguring said print task by splitting said print task into a second quantity of remodified print tasks and sending said remodified print tasks to print devices other than printing devices which fail to print when a printing device in said first group fails to print (note page 6 paragraph 0064 and specifically lines 6-12 where the failed job by the printer is sent to the other available printing devices).

Contact Information

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Saeid Ebrahimi-Dehkordy* whose telephone number is (571) 272-7462.

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The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached at (571) 272-7471.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Or faxed to:

(571) 273-8300, (for **formal** communications; please mark
"EXPEDITED PROCEDURE")

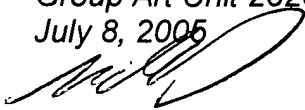
Or:

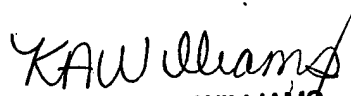
(703) 306-5406 (for **informal** or **draft** communications, please label
"PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Knox building on 501 Dulany Street, Alexandria, VA.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 305-4750.

Saeid Ebrahimi-Dehkordy
Patent Examiner
Group Art Unit 2626
July 8, 2005




KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER